

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY SCOTT HENRY,

Defendant.

CR-11-24-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter January 12, 2017. (Doc. 59.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 10, 2017. (Doc. 58.) Henry admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Henry's supervised release.

Judge Johnston has recommended that the Court revoke Henry's supervised release and commit Henry to the custody of the Bureau of Prisons for four months and given credit for time served (Doc. 59 at 4.) Judge Johnston further has recommended that Henry's term of custody be followed by 44 months of supervised release, the first two of which should be spent at Connections Corrections and the next 6 months at a Residential Reentry Center. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Henry's violations of his conditions represent a serious breach of the Court's trust. A sentence of four months custody followed by 44 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 59) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Gregory Scott Henry be sentenced to four months custody followed by 44 months of supervised release, the first two of which shall be spent at Connections Corrections and the next 6 months of which at a Residential Reentry Center. The conditions previously imposed shall be continued with the addition of a condition mandating stay at a Residential Reentry Center.

DATED this 30th day of January, 2017.



Brian Morris
United States District Court Judge